

**EXHIBIT 99**  
**-**  
**REDACTED VERSION OF**  
**ECF NO. 575-1**

# **EXHIBIT 52**

## **Excerpts of Deposition of Joe Silva**

**(Filed Under Seal)**

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CUNG LE; NATHAN QUARRY, JON )  
FITCH, on behalf of )  
themselves and all others )  
similarly situated, )

Plaintiffs, )

vs. )

Case No.  
2:15-cv-01045-RFB-(PAL)

ZUFFA, LLC, d/b/a Ultimate )  
Fighting Championship and )  
UFC, )

Defendant. )  
\_\_\_\_\_ )

VIDEOTAPE DEPOSITION OF JOSEPH SILVA

Richmond, Virginia

June 7, 2017

8:11 a.m.

Reported by:  
KIMBERLY L. RIBARIC, RPR, CCR  
JOB NO. 50374

<p style="text-align: right;">38</p> <p>1 <b>SILVA</b></p> <p>2 information memorandum dated May 2007 by Deutsche</p> <p>3 Bank, it bears the Bates range DB-ZUFFA 6712 through</p> <p>4 6786.</p> <p>5 Have you seen this before?</p> <p>6 A. No, it does not look familiar to me.</p> <p>7 Q. Are you aware that from time to time while</p> <p>8 you were working with Zuffa, Zuffa sought financing</p> <p>9 in order to continue its operations?</p> <p>10 A. I was not privy to the details.</p> <p>11 Q. Okay. Please turn to page 6725, which I'm</p> <p>12 looking at the Bates number, that's the little black</p> <p>13 number at the bottom right-hand side of the page,</p> <p>14 under the Executive Summary.</p> <p>15 And I'd just like to draw your attention to</p> <p>16 the first full paragraph under "Zuffa business</p> <p>17 overview," in the last sentence of that first</p> <p>18 paragraph, and just ask you for your opinion of that,</p> <p>19 the sentence that says: "The UFC and Pride are the</p> <p>20 top two MMA brands in the world by most metrics, and</p> <p>21 management believes that the WEC will be the third by</p> <p>22 2008."</p> <p>23 Do you see that?</p> <p>24 A. Okay.</p> <p>25 Q. And this is dated in or about May 2007.</p>	<p style="text-align: right;">40</p> <p>1 <b>SILVA</b></p> <p>2 company's recent acquisition of Pride Fighting</p> <p>3 Championships will further consolidate the vast</p> <p>4 majority of the world's top fighters under one</p> <p>5 umbrella and allow the Company to further develop</p> <p>6 relationships to penetrate its brand in Asia."</p> <p>7 Do you see that?</p> <p>8 A. Uh-huh.</p> <p>9 Q. So it's fair to say that this document was</p> <p>10 written just after Zuffa acquired Pride, is that</p> <p>11 fair, from the context?</p> <p>12 A. Yes.</p> <p>13 Q. And would you agree with the -- would you</p> <p>14 have a basis to disagree with the statement that</p> <p>15 Zuffa's recent acquisition of Pride would further</p> <p>16 consolidate the vast majority of the world's top</p> <p>17 fighters under one umbrella; do you agree with that?</p> <p>18 A. It would give us more, yes.</p> <p>19 Q. Would -- would you agree that, as a result</p> <p>20 of Zuffa's acquisition of Pride, Zuffa was able to</p> <p>21 further consolidate the vast majority of the world's</p> <p>22 top fighters under its own umbrella?</p> <p>23 MR. ISAACSON: Objection to form.</p> <p>24 A. Yeah, I would agree that it -- it acquired</p> <p>25 us more top fighters.</p>
<p style="text-align: right;">39</p> <p>1 <b>SILVA</b></p> <p>2 In your experience and knowledge of the</p> <p>3 industry at -- at that time, is that an accurate</p> <p>4 statement?</p> <p>5 MR. ISAACSON: Objection. Form.</p> <p>6 A. I don't understand the question.</p> <p>7 Q. Do you believe that the statement that I</p> <p>8 just read to you, the UFC and Pride are the top two</p> <p>9 MMA brand -- brands in the world -- excuse me -- by</p> <p>10 most -- by most metrics, and management believes that</p> <p>11 the WEC will be the third by 2008, do you believe</p> <p>12 that that's an accurate statement?</p> <p>13 MR. ISAACSON: Same objection.</p> <p>14 A. I believe that that is what they thought.</p> <p>15 Q. Well, do you have a basis to dispute that</p> <p>16 the UFC and Pride, in or about May 2007, were the top</p> <p>17 two MMA brands in the world by most metrics?</p> <p>18 A. I do not dispute that.</p> <p>19 Q. You agree with that?</p> <p>20 A. Yes.</p> <p>21 Q. And it's fair to say that the UFC bought</p> <p>22 Pride at some point in 2007 or 2008; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Can you turn to Zuffa 6737 in the bottom</p> <p>25 right. The last sentence on the page says: "The</p>	<p style="text-align: right;">41</p> <p>1 <b>SILVA</b></p> <p>2 Q. Well, in or about 2007, wouldn't you agree</p> <p>3 that Zuffa, after its acquisition of Pride, had the</p> <p>4 vast majority of the world's top fighters under its</p> <p>5 umbrella?</p> <p>6 A. I would say we had the most, but not all.</p> <p>7 As you see that even after that acquisition,</p> <p>8 we continued to bring in other fighters from other</p> <p>9 places in the world. If we'd already acquired all</p> <p>10 the best fighters, then no more acquisitions would be</p> <p>11 necessary.</p> <p>12 Q. So one of the things that Zuffa tries to do</p> <p>13 with its acquisitions is acquire top fighters from</p> <p>14 around the world; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Why?</p> <p>17 A. Because fans would like to see the best</p> <p>18 fighters.</p> <p>19 Q. Why do fans want to see the best fighters?</p> <p>20 MR. ISAACSON: Objection to form.</p> <p>21 A. Why do they want to find out who the best</p> <p>22 basketball player is or baseball player or football</p> <p>23 player? That's the appeal of sports.</p> <p>24 Q. So one of the things that you tried to do</p> <p>25 while you were at Zuffa was bring in the big names;</p>

<p style="text-align: right;">42</p> <p>1 <b>SILVA</b></p> <p>2 <b>is that fair?</b></p> <p>3 MR. ISAACSON: Objection. Foundation.</p> <p>4 A. No, it --</p> <p>5 <b>Q. Well, let me -- let me back -- you weren't</b></p> <p>6 <b>finished. Go ahead.</b></p> <p>7 A. Yeah. I would not say it's about bringing</p> <p>8 in the big names, because if you'd only fought in</p> <p>9 Japan, you were not a big name to anybody in the</p> <p>10 United States. What I tried to do was bring in the</p> <p>11 best talent that I could find, and if -- if they were</p> <p>12 truly worthy talent, then they -- they hopefully</p> <p>13 would become big names.</p> <p>14 <b>Q. Right. So you're trying either to bring in</b></p> <p>15 <b>big names or create big names?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Okay. And, for example, with respect to</b></p> <p>18 <b>basketball, it's a star -- would you agree with the</b></p> <p>19 <b>statement that it's a star-driven league?</b></p> <p>20 MR. ISAACSON: Objection to form.</p> <p>21 Foundation.</p> <p>22 <b>Q. For example, the big stars are what drives</b></p> <p>23 <b>people -- LeBron James, Steph Curry, those are the</b></p> <p>24 <b>people that drive the vast majority of eyeballs to</b></p> <p>25 <b>watch the NBA; correct?</b></p>	<p style="text-align: right;">44</p> <p>1 <b>SILVA</b></p> <p>2 There was fighters who came outside of that</p> <p>3 who beat those fighters, so it could have been some</p> <p>4 people's opinions that those were the best fighters,</p> <p>5 but it was not necessarily proven so.</p> <p>6 <b>Q. Was it your opinion at the time --</b></p> <p>7 A. No.</p> <p>8 <b>Q. -- in 2007 --</b></p> <p>9 A. I tend to be very skeptical.</p> <p>10 <b>Q. Okay. But was it -- but was it the opinion</b></p> <p>11 <b>of, say, in your understanding of Dana or Lorenzo</b></p> <p>12 <b>Fertitta that in or about 2007 Zuffa had under its</b></p> <p>13 <b>umbrella the world's top -- the vast majority of the</b></p> <p>14 <b>world's top fighters?</b></p> <p>15 MR. ISAACSON: Objection. Form.</p> <p>16 Foundation.</p> <p>17 A. In their opinion, possibly. You'd have to</p> <p>18 ask them for their opinion.</p> <p>19 <b>Q. Well, they must have told you.</b></p> <p>20 <b>Dana must have said, yeah, we have the vast</b></p> <p>21 <b>majority of the world's top fighters, at some</b></p> <p>22 <b>point --</b></p> <p>23 A. That's not --</p> <p>24 MR. ISAACSON: Object --</p> <p>25 A. -- the kind of thing you would normally --</p>
<p style="text-align: right;">43</p> <p>1 <b>SILVA</b></p> <p>2 MR. ISAACSON: Objection to form.</p> <p>3 Foundation. Calls for opinion.</p> <p>4 A. Yeah, I can't speak to basketball. The only</p> <p>5 sport that I watch are fighting sports.</p> <p>6 <b>Q. But you just named other sports --</b></p> <p>7 A. But there are names that I am aware of.</p> <p>8 <b>Q. Right. And one of the things that you're</b></p> <p>9 <b>looking to do in building a roster of talented</b></p> <p>10 <b>fighters is to -- is to -- is to find the top</b></p> <p>11 <b>fighters in order to put on events that are going to</b></p> <p>12 <b>grab eyeballs and attention; correct?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And this statement doesn't say all of the</b></p> <p>15 <b>world's top fighters, it says the vast majority of</b></p> <p>16 <b>the world's top fighters, that Deutsche Bank with</b></p> <p>17 <b>Zuffa's assistance is -- is putting out there in the</b></p> <p>18 <b>world.</b></p> <p>19 <b>Would you agree that in or about 2007, after</b></p> <p>20 <b>the acquisition of Pride, that Zuffa at that time had</b></p> <p>21 <b>the vast majority of the world's top fighters under</b></p> <p>22 <b>one umbrella?</b></p> <p>23 MR. ISAACSON: Objection to form.</p> <p>24 A. Yeah, the hard part of that, I think, is</p> <p>25 it's just opinion.</p>	<p style="text-align: right;">45</p> <p>1 <b>SILVA</b></p> <p>2 MR. ISAACSON: Object -- objection.</p> <p>3 Argumentative.</p> <p>4 MR. CRAMER: He answered the question.</p> <p>5 It's fine.</p> <p>6 <b>Q. They would -- he wouldn't normally say that</b></p> <p>7 <b>to you?</b></p> <p>8 A. It would be kind of strange just to walk</p> <p>9 through pronouncing that we have the majority of the</p> <p>10 world's top fighters.</p> <p>11 <b>Q. So he might have said that publicly;</b></p> <p>12 <b>correct?</b></p> <p>13 A. You'd have to --</p> <p>14 MR. ISAACSON: Objection. Calls for</p> <p>15 speculation.</p> <p>16 <b>Q. You've never seen Dana White say that the</b></p> <p>17 <b>UFC has, in -- in form or substance, the vast</b></p> <p>18 <b>majority of the world's top fighters publicly?</b></p> <p>19 A. Dana says a lot of things.</p> <p>20 <b>Q. And you've never seen him say that among</b></p> <p>21 <b>those things that he says publicly?</b></p> <p>22 A. I don't recall that exact quote.</p> <p>23 <b>Q. Not exact quote.</b></p> <p>24 <b>In sum or substance, that the UFC has the</b></p> <p>25 <b>vast majority of the top MMA talent in the world at</b></p>

<p style="text-align: right;">118</p> <p>1 SILVA</p> <p>2 Q. -- and grandmothers, who said to you, I want</p> <p>3 to be in the UFC, it's my dream to be in the UFC; is</p> <p>4 that right?</p> <p>5 A. That's correct.</p> <p>6 Q. And in response to many of those, you said,</p> <p>7 you're not ready, you need more seasoning before</p> <p>8 you're -- before you can finally get to the UFC; is</p> <p>9 that right?</p> <p>10 A. That's correct.</p> <p>11 Q. Is there some number of wins over a</p> <p>12 high-level opponent that a fighter needs to have</p> <p>13 before he or she is ready for the UFC?</p> <p>14 A. Well, it's very dependent on a lot of</p> <p>15 factors. When it comes to -- weight class makes a</p> <p>16 big difference. That's why I specified in his --</p> <p>17 especially at 155 it's hard, because there is a such</p> <p>18 a wealth of talent at 155.</p> <p>19 When we got rid of overlapping weight</p> <p>20 classes in the WEC, the one weight class that we kept</p> <p>21 that was the same was 155. There's just so many good</p> <p>22 ones. Bellator has an excellent 155-pound division</p> <p>23 now. I -- I haven't seen an organization that does</p> <p>24 not have a decent 155-pound division. It just seems</p> <p>25 to be the average size of people. And when you cut</p>	<p style="text-align: right;">120</p> <p>1 SILVA</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who Greg is?</p> <p>5 A. Yes.</p> <p>6 Q. Who is he?</p> <p>7 A. He is the former manager of Stipe Miocic.</p> <p>8 Q. And that's Greg Kalikas?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And Miocic was a UFC champion?</p> <p>11 A. Not at the time.</p> <p>12 Q. Not at the time.</p> <p>13 A. He's currently the champion.</p> <p>14 Q. Okay. And this is an e-mail you sent</p> <p>15 May 9th, 2011, to -- to Mr. Kalikas and you said:</p> <p>16 "Too many 170s under contract right now. Keep Stipe</p> <p>17 winning and we'll get him in."</p> <p>18 A. Stipe.</p> <p>19 Q. Stipe, I'm sorry.</p> <p>20 What did you mean by "too many 170s under</p> <p>21 contract right now"?</p> <p>22 A. Well, 170 would be the second most</p> <p>23 talent-packed division we have. So there was</p> <p>24 often -- it was very important for us to not have too</p> <p>25 many people on the roster. We wanted to be able to</p>
<p style="text-align: right;">119</p> <p>1 SILVA</p> <p>2 down, you get in good shape. There's just a ton of</p> <p>3 talent. So that makes it harder.</p> <p>4 There's no lack of talent. Everybody's</p> <p>5 good. So the bar to get in will be higher.</p> <p>6 Where, if you're a heavyweight or a light</p> <p>7 heavyweight, where it's harder to find super talented</p> <p>8 big athletes who are not playing professional</p> <p>9 football or basketball, those are rarer, so the bar</p> <p>10 may be lower for them.</p> <p>11 If you're a lightweight, I might go, I need</p> <p>12 you to get to 11 and 1 or something for me to</p> <p>13 seriously look at you. If you're 6 and 0 as a</p> <p>14 heavyweight and most of your opponents have winning</p> <p>15 records, you've got a good chance of getting in.</p> <p>16 MR. CRAMER: Okay. I'd like to mark as</p> <p>17 the next document Silva Exhibit 8.</p> <p>18 (Silva Deposition Exhibit 8 marked for</p> <p>19 identification.)</p> <p>20 Q. All right. Silva Exhibit 8 is a series of</p> <p>21 e-mails bearing the Bates range ZUF-00296713 through</p> <p>22 717. Turn first to page 3 of the document, and this</p> <p>23 is a -- at the bottom of page 3 there's an e-mail</p> <p>24 that you sent to greg@naasf.tv.</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">121</p> <p>1 SILVA</p> <p>2 manage it. We wanted to be able to fulfill all our</p> <p>3 contractual obligations, so you have to limit the</p> <p>4 amount of people that you sign at any one time.</p> <p>5 So at this time, 170 was particularly full.</p> <p>6 So we had a guy and -- and that was the main reason.</p> <p>7 Like, I can't -- even if I find your guy interesting,</p> <p>8 I just don't have any spots. Spots come open like</p> <p>9 when there's injury dropouts. To maintain a fight</p> <p>10 for the fighter who didn't get injured, I will now go</p> <p>11 to other people on the roster, and go, hey, I've got</p> <p>12 a dropout, fight's only two weeks away from now, can</p> <p>13 you do it. And if they go, no, I can't make weight</p> <p>14 in two weeks, I haven't been training, I've got an</p> <p>15 injury, I go to everybody who is on the roster. If</p> <p>16 nobody can do it, I still want to get a fight for</p> <p>17 that other guy, so now that's an opening. Now maybe</p> <p>18 somebody else -- like, I didn't have a spot before,</p> <p>19 but a spot has come up, would he like that</p> <p>20 opportunity.</p> <p>21 Q. If you offered a guy on the UFC roster a</p> <p>22 fight in two weeks and they told you, I can't get</p> <p>23 ready in that time, I haven't been training, would</p> <p>24 that then invoke an extension of their contract --</p> <p>25 A. No.</p>

<p style="text-align: right;">122</p> <p>1 SILVA</p> <p>2 <b>Q. -- because they've turned down a fight?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Why not?</b></p> <p>5 A. Because it's not reasonable. It -- to me --</p> <p>6 it would have to be -- I expect -- if I have a</p> <p>7 two-week dropout, I expect a fighter to say no.</p> <p>8 <b>Q. Okay.</b></p> <p>9 A. You're asking a lot.</p> <p>10 I just made it a personal policy of mine,</p> <p>11 even if you lost your previous two fights, if you</p> <p>12 chose to fight late notice and lost for your third</p> <p>13 time in a row, I was not going to release you, even</p> <p>14 though it was in my rights to, because you went</p> <p>15 beyond, you -- to me, that -- that is a risk. It is</p> <p>16 hard to -- to take less preparation, and -- and I</p> <p>17 understand that.</p> <p>18 But anytime I ever called, I never put</p> <p>19 pressure on anybody to fight late notice, because I</p> <p>20 very much understood. It's like, this is tough. The</p> <p>21 opponent's had more time to prepare than you.</p> <p>22 Sometimes you get lucky and maybe he had a</p> <p>23 training partner who was fighting near that time so</p> <p>24 he was training a lot and he was in good shape, and</p> <p>25 they're -- they'll jump at it, and go, yes, I'm ready</p>	<p style="text-align: right;">124</p> <p>1 SILVA</p> <p>2 credited it -- he said, when I have too long at camp,</p> <p>3 I accrue more injuries, and I get too much into my</p> <p>4 head; I always stay in good shape, and it was better</p> <p>5 for me to have less.</p> <p>6 But it was -- for most people, I would think</p> <p>7 to have more time to prepare would be better.</p> <p>8 <b>Q. For most people, you would agree that it is</b></p> <p>9 <b>potentially a risk to have them fight on two weeks'</b></p> <p>10 <b>notice against someone who has been training for a</b></p> <p>11 <b>long time?</b></p> <p>12 MR. ISAACSON: Objection.</p> <p>13 <b>Q. For most people and in general; is that</b></p> <p>14 <b>fair?</b></p> <p>15 MR. ISAACSON: Objection to form.</p> <p>16 A. When you say "risk" --</p> <p>17 <b>Q. Risk of -- of having a bad fight, risk of</b></p> <p>18 <b>being at a disadvantage in that fight. Is that fair?</b></p> <p>19 A. Yeah, I think --</p> <p>20 MR. ISAACSON: Objection. Vague.</p> <p>21 Compound.</p> <p>22 A. Yeah, I think you're giving yourself less</p> <p>23 time to prepare. And more time, most times it seemed</p> <p>24 to be ideal. But I always noted that, and that's why</p> <p>25 I was never surprised -- if I called somebody to be a</p>
<p style="text-align: right;">123</p> <p>1 SILVA</p> <p>2 to go, I was hoping that something would open up.</p> <p>3 But if they said no, it's like cool, I'm on to the</p> <p>4 next guy.</p> <p>5 <b>Q. So let me just understand. In your opinion,</b></p> <p>6 <b>offering someone a fight with two weeks' notice could</b></p> <p>7 <b>be a risk for that fighter if they hadn't been</b></p> <p>8 <b>training?</b></p> <p>9 A. Yes. It's certainly ideal to have more time</p> <p>10 to train.</p> <p>11 <b>Q. And it puts that -- that fighter who gets</b></p> <p>12 <b>this late notice at a disadvantage because the person</b></p> <p>13 <b>who they are going to be competing against presumably</b></p> <p>14 <b>would have been training for a long time, whereas</b></p> <p>15 <b>this person might be in the situation of having to</b></p> <p>16 <b>train rather quickly; is that fair?</b></p> <p>17 A. I would think that, but there's also been</p> <p>18 examples where that's been proven to be untrue, where</p> <p>19 the fighter themselves has actually said it was</p> <p>20 beneficial to them to have less time, like Michael</p> <p>21 Bisping when he rematched Luke Rockhold on short</p> <p>22 notice after losing to him when he had full</p> <p>23 preparation. He came off a movie set to be a</p> <p>24 replacement, and knocked out Luke Rockhold and became</p> <p>25 the champion, still currently the champion, and he</p>	<p style="text-align: right;">125</p> <p>1 SILVA</p> <p>2 late notice replacement and they said no, I was never</p> <p>3 surprised or upset about it, because I kind of</p> <p>4 expected that would be the case.</p> <p>5 <b>Q. Is it fair to say that under Zuffa's</b></p> <p>6 <b>standard contract with fighters, you had the</b></p> <p>7 <b>discretion to give the fighter an extension of that</b></p> <p>8 <b>contract for turning down a fight even if it was late</b></p> <p>9 <b>notice?</b></p> <p>10 A. That was not my understanding. And I didn't</p> <p>11 really read the contracts. If somebody had a legal</p> <p>12 issue with the contracts, I would refer them to legal</p> <p>13 department. The contracts were revised through the</p> <p>14 years and -- but it was simply my understanding, my</p> <p>15 feeling personally that you had to have what seemed</p> <p>16 to be a reasonable amount of time for somebody to</p> <p>17 prepare if they're going to step into a fight. And</p> <p>18 that if it was particularly short notice, it's not</p> <p>19 reasonable just to insist that they fight.</p> <p>20 <b>Q. Okay. You are aware, though, that there is</b></p> <p>21 <b>a provision in Zuffa's contracts with fighters that</b></p> <p>22 <b>if fighters turn down fights, Zuffa can extend the</b></p> <p>23 <b>term of the contract; correct?</b></p> <p>24 A. I'm aware of that. But I did not invoke it.</p> <p>25 <b>Q. You did not invoke it in -- in your -- your</b></p>

<p style="text-align: right;">190</p> <p>1 <b>SILVA</b></p> <p>2 <b>non title and supposedly Gaethje demanded 50 percent</b></p> <p>3 <b>of his purse and got it."</b></p> <p>4 <b>And then White says, "Where is the fight" --</b></p> <p>5 <b>A. Tampa, Florida.</b></p> <p>6 <b>Q. And Tampa, Florida.</b></p> <p>7 <b>And then there's an e-mail [sic] that --</b></p> <p>8 <b>that you send to White that says: "In the press</b></p> <p>9 <b>conference the day before he said he is an A level</b></p> <p>10 <b>fighter fighting in a B level show. Never was the</b></p> <p>11 <b>smartest guy."</b></p> <p>12 <b>Do you see that?</b></p> <p>13 <b>A. Yes.</b></p> <p>14 <b>Q. What did you mean when you said that Gaethje</b></p> <p>15 <b>said he was an A-level fighter fighting in a B-level</b></p> <p>16 <b>show?</b></p> <p>17 <b>A. I don't think I was talking about Gaethje, I</b></p> <p>18 <b>think I was talking about Melvin Guillard.</b></p> <p>19 <b>Q. Okay. Guillard. So what did you mean when</b></p> <p>20 <b>you said --</b></p> <p>21 <b>A. I thought he was being disrespectful to the</b></p> <p>22 <b>promotion that he's fighting in.</b></p> <p>23 <b>Q. I see. So he was disrespecting World</b></p> <p>24 <b>Series.</b></p> <p>25 <b>A. Right. It's like they're giving you a shot</b></p>	<p style="text-align: right;">192</p> <p>1 <b>SILVA</b></p> <p>2 <b>Bellator so he wouldn't have to fight wrestlers like</b></p> <p>3 <b>in the UFC."</b></p> <p>4 <b>A. Uh-huh.</b></p> <p>5 <b>Q. And then Silva -- and then you say -- Shelby</b></p> <p>6 <b>says: "LOL. I just love how Bellator is a</b></p> <p>7 <b>tournament based organi... Wait. What's going on?"</b></p> <p>8 <b>And then you say: "2 guys who both lost</b></p> <p>9 <b>their last 3 UFC fights."</b></p> <p>10 <b>And then Shelby says: "Headlining a</b></p> <p>11 <b>pay-per-view with two guys combined losing 9 of their</b></p> <p>12 <b>last 10 fights."</b></p> <p>13 <b>And then Shelby says: "Sorry last three a</b></p> <p>14 <b>piece they total zero and six, 0 and 6."</b></p> <p>15 <b>And then Shelby says: "They tried to throw</b></p> <p>16 <b>a curve ball but it went into the stands."</b></p> <p>17 <b>And you say to Shelby: "Dana is going to</b></p> <p>18 <b>have fun smashing that matchup publicly."</b></p> <p>19 <b>Do you see that?</b></p> <p>20 <b>A. Yeah.</b></p> <p>21 <b>Q. And then -- and then Shelby says to you:</b></p> <p>22 <b>"Bellator throws a curve ball... Into the stands. In</b></p> <p>23 <b>Bellator there is no matchmaking, except in their</b></p> <p>24 <b>'was relevant 5 years ago' division."</b></p> <p>25 <b>And Shelby then says to you: "It's almost</b></p>
<p style="text-align: right;">191</p> <p>1 <b>SILVA</b></p> <p>2 <b>and paying you good money, and you're publicly saying</b></p> <p>3 <b>they're a B-level show, that doesn't seem very smart.</b></p> <p>4 <b>Q. I see. So he was publicly dissing the World</b></p> <p>5 <b>Series of Fighters --</b></p> <p>6 <b>A. Yeah, who was giving them -- him a world</b></p> <p>7 <b>title shot and -- and promoting him. I -- it was</b></p> <p>8 <b>boggling to me. But Melvin -- he would be a nice</b></p> <p>9 <b>guy, but he was a troubled guy. And that's just what</b></p> <p>10 <b>I was saying. It's like a -- what's this kid doing.</b></p> <p>11 <b>Q. Thank you. You can put that aside.</b></p> <p>12 <b>All right. Let's turn back to Exhibit 13,</b></p> <p>13 <b>page 275. And 13 is the compilation of text messages</b></p> <p>14 <b>from Sean Shelby, and these are texts that were sent</b></p> <p>15 <b>7/31/13. 275.</b></p> <p>16 <b>All right. So the first message that I want</b></p> <p>17 <b>to ask -- to show you is July 31st, 2013, at 1650, or</b></p> <p>18 <b>4:50. Yeah, so 4:50. Tito versus Rampage. So it's</b></p> <p>19 <b>the one that says, "Tito versus Rampage."</b></p> <p>20 <b>A. Uh-huh.</b></p> <p>21 <b>Q. And this is you saying to Shelby: "Tito</b></p> <p>22 <b>versus Rampage. We might as well just close up shop</b></p> <p>23 <b>now."</b></p> <p>24 <b>And then -- and then you -- and then</b></p> <p>25 <b>somebody else says: "Good thing Rampage went to</b></p>	<p style="text-align: right;">193</p> <p>1 <b>SILVA</b></p> <p>2 <b>too easy."</b></p> <p>3 <b>Do you see that?</b></p> <p>4 <b>A. Yes.</b></p> <p>5 <b>Q. All right. So both of you are communicating</b></p> <p>6 <b>about a Bellator show that had just -- that was about</b></p> <p>7 <b>to occur; is that right?</b></p> <p>8 <b>A. Yes.</b></p> <p>9 <b>Q. And that show was going to be headlined by</b></p> <p>10 <b>Tito and Rampage?</b></p> <p>11 <b>A. Yes.</b></p> <p>12 <b>Q. Tito who?</b></p> <p>13 <b>A. Ortiz.</b></p> <p>14 <b>Q. Tito Ortiz. And Rampage Jackson?</b></p> <p>15 <b>A. Correct.</b></p> <p>16 <b>Q. Were both of those fighters who used to be</b></p> <p>17 <b>in the UFC?</b></p> <p>18 <b>A. Yes.</b></p> <p>19 <b>Q. Okay. And Rampage went from the UFC to --</b></p> <p>20 <b>oh, sorry.</b></p> <p>21 <b>Rampage went from the UFC to Bellator; is</b></p> <p>22 <b>that right?</b></p> <p>23 <b>A. Yes.</b></p> <p>24 <b>Q. Okay. And you were saying it's a good thing</b></p> <p>25 <b>Rampage went to Bellator so he wouldn't have to fight</b></p>



<p style="text-align: right;">194</p> <p>1 <b>SILVA</b></p> <p>2 <b>wrestlers like in the UFC.</b></p> <p>3 <b>What does that mean?</b></p> <p>4 A. That means that Rampage Jackson publicly</p> <p>5 criticized me for putting him against nothing but</p> <p>6 wrestlers, which I thought was bizarre because he</p> <p>7 fought many nonwrestlers, and he was a wrestler</p> <p>8 himself.</p> <p>9 When he got in trouble -- he liked to punch</p> <p>10 people, but if he got hurt, he then felt free to</p> <p>11 wrestle them. So that was my point and</p> <p>12 understanding. It's like, wait, you said you don't</p> <p>13 like my matchmaking, you fight too many wrestlers, so</p> <p>14 you go to Bellator to fight a wrestler. That seemed</p> <p>15 strange.</p> <p>16 <b>Q. Okay. So you're pointing out that oddity.</b></p> <p>17 <b>And then Shelby says to you: "LOL, I just</b></p> <p>18 <b>love how Bellator is a tournament based organi...</b></p> <p>19 <b>Wait. What's going on?"</b></p> <p>20 <b>What was he saying there?</b></p> <p>21 A. The -- this was about -- this was before</p> <p>22 Scott Coker. This was back when Bjorn Rebney ran it.</p> <p>23 And they made it a very public point that they were</p> <p>24 different than the UFC, that they didn't do</p> <p>25 matchmaking, that everything they did was based on</p>	<p style="text-align: right;">196</p> <p>1 <b>SILVA</b></p> <p>2 <b>Q. And what -- what were you implying in this</b></p> <p>3 <b>conversation about -- about the ability or the --</b></p> <p>4 <b>the -- about use -- Bellator's using this fight to</b></p> <p>5 <b>headline a Pay-Per-View with two guys who --</b></p> <p>6 A. Yeah.</p> <p>7 <b>Q. -- lost nine out of the last ten fights?</b></p> <p>8 MR. ISAACSON: Objection to form.</p> <p>9 <b>Q. I'm sorry. What point were you -- were you</b></p> <p>10 <b>two making to each other in this communication?</b></p> <p>11 A. Once again, trying to --</p> <p>12 MR. ISAACSON: Objection to form.</p> <p>13 <b>Q. You can answer.</b></p> <p>14 A. -- point out hypocrisy in that it's not that</p> <p>15 that was an unreasonable fight, it actually was a</p> <p>16 fight that made sense where those guys were in their</p> <p>17 career, but to have Bjorn Rebney try to degrade us</p> <p>18 publicly, saying we don't do just match-ups because</p> <p>19 we think they're cool match-ups, it's about the</p> <p>20 tournament.</p> <p>21 It's like wouldn't even be a problem him</p> <p>22 having on the show, but by his philosophy shouldn't</p> <p>23 they be on the show, but it's the tournament, the</p> <p>24 important thing, the thing that you say is so much a</p> <p>25 better a format, shouldn't that be your main event.</p>
<p style="text-align: right;">195</p> <p>1 <b>SILVA</b></p> <p>2 tournaments, so the fighters really earned their</p> <p>3 spots. But this was an obvious break with that</p> <p>4 philosophy. It's like, they're not in a tournament</p> <p>5 and you're headlining them over the tournament. What</p> <p>6 happened to your great philosophy of tournaments were</p> <p>7 the thing, and -- and that was the most legitimate</p> <p>8 thing. So once again, just kind of pointing out what</p> <p>9 we saw as hypocrisy.</p> <p>10 <b>Q. I see. So that Rebney was saying he's going</b></p> <p>11 <b>to have this new model and it's going to based -- be</b></p> <p>12 <b>based on tournaments, not traditional matchmaking?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And this was -- this particular fight was</b></p> <p>15 <b>not a tournament?</b></p> <p>16 A. Correct.</p> <p>17 <b>Q. And then you say to Shelby: "These" --</b></p> <p>18 <b>"these 2 guys both lost their last 3 UFC fights," and</b></p> <p>19 <b>you're referring to Rampage and Tito?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. And then Shelby says: "Headlining a</b></p> <p>22 <b>pay-per-view with two guys combined losing 9 of the</b></p> <p>23 <b>last 10 fights."</b></p> <p>24 <b>Again, that's referring to Rampage and Tito?</b></p> <p>25 A. Yes.</p>	<p style="text-align: right;">197</p> <p>1 <b>SILVA</b></p> <p>2 Shouldn't that be the important thing, to push the</p> <p>3 philosophy that you've put out there.</p> <p>4 So that's what we are needing them about,</p> <p>5 was they say this is what they believe, but their</p> <p>6 actions don't show that.</p> <p>7 <b>Q. And -- and were you also communicating to</b></p> <p>8 <b>each other that it's -- it's not a winning strategy</b></p> <p>9 <b>in the MMA promotion business to headline a</b></p> <p>10 <b>Pay-Per-View with two guys who had a combined losing</b></p> <p>11 <b>record of nine of the last ten fights?</b></p> <p>12 A. It was not so much that, as that it was</p> <p>13 going against everything that Bjorn Rebney said. It</p> <p>14 wasn't about what we thought of it, it's what we</p> <p>15 thought of how this went exactly against what Bjorn</p> <p>16 Rebney was publicly saying.</p> <p>17 <b>Q. So Shelby says, "they tried to throw a curve</b></p> <p>18 <b>ball," which means divert from the tournament system;</b></p> <p>19 <b>right?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. But he also says, "then it went into the</b></p> <p>22 <b>stands." So they throw this curve ball and it</b></p> <p>23 <b>doesn't even work.</b></p> <p>24 A. Well --</p> <p>25 MR. ISAACSON: Objection to form.</p>

<p style="text-align: right;">246</p> <p>1 <b>SILVA</b></p> <p>2 <b>that Strikeforce is promoting are occurring if</b></p> <p>3 <b>Strikeforce exists and --</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. -- not occurring if Strikeforce doesn't</b></p> <p>6 <b>exist; correct?</b></p> <p>7 A. Correct. But also it could be that some of</p> <p>8 those Strikeforce fighters are the ones getting</p> <p>9 fights in the UFC, and it might be a UFC fighter not</p> <p>10 getting the fight.</p> <p>11 <b>Q. Okay.</b></p> <p>12 MR. CRAMER: Like to have the next</p> <p>13 document marked as Silva Exhibit 21.</p> <p>14 (Silva Deposition Exhibit 21 marked for</p> <p>15 identification.)</p> <p>16 <b>Q. Silva 21, I believe the Bates number got cut</b></p> <p>17 <b>off a little bit, but my understanding is the Bates</b></p> <p>18 <b>number is COX-0041416. I believe this was produced</b></p> <p>19 <b>to us by Monte Cox.</b></p> <p>20 A. Uh-huh.</p> <p>21 <b>Q. Who is Monte Cox?</b></p> <p>22 A. He's an MMA manager.</p> <p>23 <b>Q. You know who he is?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Okay. And this is a March 2013 e-mail --</b></p>	<p style="text-align: right;">248</p> <p>1 <b>SILVA</b></p> <p>2 <b>cut a hundred guys."</b></p> <p>3 <b>What did you mean by that?</b></p> <p>4 A. You have to keep the roster at a manageable</p> <p>5 number, and it can be hard to predict. It</p> <p>6 fluctuates. And there's times that if you had an</p> <p>7 acquisition where you had one of these times where</p> <p>8 everybody seemed to be coming back at once, you just</p> <p>9 realize, all right, well, this -- we've got to get</p> <p>10 this under control.</p> <p>11 <b>Q. And at this time, in March of 2013, you had</b></p> <p>12 <b>in the -- in the range of a hundred guys too many on</b></p> <p>13 <b>your roster; is that right?</b></p> <p>14 A. Somewhere in that range, yes.</p> <p>15 <b>Q. Do you know whether you cut those guys?</b></p> <p>16 A. I'm sure eventually. Guys are cut after</p> <p>17 most shows.</p> <p>18 <b>Q. After they lose?</b></p> <p>19 A. Yes. Usually multiple times.</p> <p>20 <b>Q. So if somebody loses multiple times, you --</b></p> <p>21 <b>you tend to cut them?</b></p> <p>22 A. Correct. Because you can't bring somebody</p> <p>23 new in until somebody old goes.</p> <p>24 <b>Q. So at least as of March of 2013, you still</b></p> <p>25 <b>had too many fighters under contract; is that right?</b></p>
<p style="text-align: right;">247</p> <p>1 <b>SILVA</b></p> <p>2 <b>series of e-mails, two e-mails between you and</b></p> <p>3 <b>Mr. Cox.</b></p> <p>4 <b>So Mr. Cox says to you on March 6, 2013:</b></p> <p>5 <b>"Just a reminder that Joe Doerksen lives in</b></p> <p>6 <b>Winnipeg" -- excuse me -- "2 of his last 4 fights</b></p> <p>7 <b>were nominated for fights of the year in Canada and</b></p> <p>8 <b>he won them both, over Luigi Fioravanti and Kalib</b></p> <p>9 <b>Starnes. He is 49 and 16, won 3 of 4."</b></p> <p>10 <b>And you respond: "No space to bring in</b></p> <p>11 <b>locals. Have to cut hundred guys. Joe."</b></p> <p>12 <b>Do you see that?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. What did you mean to convey to Mr. Cox here?</b></p> <p>15 A. For a lot of the managers, they see, and --</p> <p>16 and quite often it is a -- a benefit to get a fighter</p> <p>17 in if it's in their hometown. It's like, oh, it's --</p> <p>18 he's already there, he's got local fans, maybe we'll</p> <p>19 get some local press. So it -- it's a nice thing to</p> <p>20 do when you have the roster space to do it.</p> <p>21 As I was telling him, as nice as that might</p> <p>22 be, my main responsibility was I have all these</p> <p>23 fighters and -- and I need to get them fights rather</p> <p>24 than bring in somebody just to be a local attraction.</p> <p>25 <b>Q. And you said: "I have no space. I have to</b></p>	<p style="text-align: right;">249</p> <p>1 <b>SILVA</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. All right. Please turn to Exhibit 6, which</b></p> <p>4 <b>is the text message compilation.</b></p> <p>5 MR. CRAMER: And before we do that, why</p> <p>6 don't we go take a break because we're running</p> <p>7 out of tape time.</p> <p>8 THE VIDEOGRAPHER: Off the record at 1:32.</p> <p>9 (Recess taken at 1:32 p m., proceedings</p> <p>10 resumed at 1:38 p m.)</p> <p>11 THE VIDEOGRAPHER: Here begins Media</p> <p>12 Number 4 in the video-recorded deposition of</p> <p>13 Joseph Silva. We're back on the record at</p> <p>14 1:38 p.m.</p> <p>15 BY MR. CRAMER:</p> <p>16 <b>Q. All right. I would like to draw your</b></p> <p>17 <b>attention to Exhibit 6, Silva Exhibit 6, page 24,</b></p> <p>18 <b>which is the -- a compilation of texts, and have you</b></p> <p>19 <b>look in particular at the text dated February 26th,</b></p> <p>20 <b>2015, at 1:30.</b></p> <p>21 <b>And there's a text that someone at [REDACTED]</b></p> <p>22 <b>[REDACTED] sent to you saying: "Any ideas for Colby</b></p> <p>23 <b>Covington?"</b></p> <p>24 <b>And then you respond at 2:17: "Nothing yet</b></p> <p>25 <b>for Cody. I have a backlog of guys who need fights</b></p>

<p style="text-align: right;">482</p> <p>1 <b>SILVA</b></p> <p>2 A. Did I speak with him?</p> <p>3 <b>Q. Yes.</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. And did you -- did that conversation concern</b></p> <p>6 <b>the subject matter of the deposition?</b></p> <p>7 <b>Were you talking about the weather or were</b></p> <p>8 <b>you talking about the deposition?</b></p> <p>9 A. I think we were just talking about -- I</p> <p>10 don't know in detail about this deposition, I don't</p> <p>11 understand what you're looking --</p> <p>12 <b>Q. Did he tell you what he was going to ask you</b></p> <p>13 <b>after the break?</b></p> <p>14 A. No. I did not expect this question at all.</p> <p>15 I 100 percent did not anticipate this question.</p> <p>16 <b>Q. The question before that, did he tell you he</b></p> <p>17 <b>was going to ask you that?</b></p> <p>18 A. He had asked me before just if I ever</p> <p>19 enjoyed fights in other organizations.</p> <p>20 <b>Q. All right. Let me ask you about that. You</b></p> <p>21 <b>said you were asked questions about whether you</b></p> <p>22 <b>enjoyed fights in other organizations -- strike that.</b></p> <p>23 MR. CRAMER: I withdraw that question.</p> <p>24 I'm done.</p> <p>25 THE VIDEOGRAPHER: This concludes the</p>	<p style="text-align: right;">484</p> <p>1</p> <p>2 STATE OF _____ )</p> <p>3 ) :ss</p> <p>4 COUNTY OF _____ )</p> <p>5</p> <p>6</p> <p>7 I, JOSEPH SILVA, the witness</p> <p>8 herein, having read the foregoing</p> <p>9 testimony of the pages of this deposition,</p> <p>10 do hereby certify it to be a true and</p> <p>11 correct transcript, subject to the</p> <p>12 corrections, if any, shown on the attached</p> <p>13 page.</p> <p>14</p> <p>15 _____</p> <p>16 JOSEPH SILVA</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Sworn and subscribed to before me,</p> <p>21 this _____ day of _____, 2017.</p> <p>22</p> <p>23 _____</p> <p>24 Notary Public</p> <p>25</p>
<p style="text-align: right;">483</p> <p>1 <b>SILVA</b></p> <p>2 videotaped deposition of Joseph Silva. We're</p> <p>3 off the record at 6:52.</p> <p>4 (Time noted: 6:52 p m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">485</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC</p> <p>2</p> <p>3 I, KIMBERLY L. RIBARIC, the officer</p> <p>4 before whom the foregoing deposition was taken, do</p> <p>5 hereby certify that the foregoing transcript is a</p> <p>6 true and correct record of the testimony given; that</p> <p>7 said testimony was taken by me stenographically and</p> <p>8 thereafter reduced to typewriting under my direction;</p> <p>9 that reading and signing was requested; and that I am</p> <p>10 neither counsel for, related to, nor employed by any</p> <p>11 of the parties to this case and have no interest,</p> <p>12 financial or otherwise, in its outcome</p> <p>13 IN WITNESS WHEREOF, I have hereunto set</p> <p>14 my hand and affixed my notarial seal this 21st day of</p> <p>15 June, 2017</p> <p>16</p> <p>17</p> <p>18</p> <p>19 My commission expires: August 31, 2020</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

122 (Pages 482 to 485)

490	<p>1 --- EXHIBITS CONTINUED ---</p> <p>2 SILVA DEPOSITION FOR ID</p> <p>3 Exhibit 50 Fighter Bonus Payments 438</p> <p>February 2015</p> <p>4 Bates ZFL-0819626 through 0819631</p> <p>Exhibit 51 1/15/10 e-mail from Joe Silva to 448</p> <p>5 Dana White and Lorenzo Fertitta</p> <p>Bates ZFL-2443283</p> <p>6 Exhibit 52 E-mail exchange beginning 1/29/09 451</p> <p>7 from Joe Silva to Lawrence</p> <p>Epstein, Jaime Pollack, Lorenzo</p> <p>Fertitta and Dana Blackberry</p> <p>8 Bates ZFL-2543576</p> <p>Exhibit 53 11/24/08 e-mail from Joe Silva 454</p> <p>9 to Lorenzo Fertitta and Dana</p> <p>Blackberry</p> <p>10 Bates ZUF-00332586</p> <p>Exhibit 54 E-mail exchange beginning 459</p> <p>11 11/19/11 from Lawrence Epstein</p> <p>to Michael Mersch, Sean Shelby</p> <p>12 and Peter Dropick</p> <p>Bates ZFL-2632951 to 2632952</p> <p>13 Exhibit 55 E-mail exchange beginning 461</p> <p>14 1/27/08 from Joe Silva to</p> <p>Lawrence Epstein, Kirk Hendrick</p> <p>and Dana White</p> <p>15 Bates ZFL-2642993 through 2642994</p> <p>Exhibit 56 E-mail exchange beginning 9/22/09 465</p> <p>16 from Joe Silva to Ariel Helwani</p> <p>Bates ZUF-00294337 through 00294338</p> <p>17 Exhibit 57 Text message 468</p> <p>Bates ZFL-1874771</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
491	<p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over carefully</p> <p>4 and make any necessary corrections. You should state</p> <p>5 the reason in the appropriate space on the errata</p> <p>6 sheet for any corrections that are made.</p> <p>7 After doing so, please sign the errata sheet</p> <p>8 and date it.</p> <p>9 You are signing same subject to the changes</p> <p>10 you have noted on the errata sheet, which will be</p> <p>11 attached to your deposition.</p> <p>12 It is imperative that you return the original</p> <p>13 errata sheet to the deposing attorney within thirty</p> <p>14 (30) days of receipt of the deposition transcript by</p> <p>15 you. If you fail to do so, the deposition transcript</p> <p>16 may be deemed to be accurate and may be used in court.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

492	<p>1 E R R A T A</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I wish to make the following changes,</p> <p>6 for the following reasons:</p> <p>7</p> <p>8 PAGE LINE</p> <p>9 ____ CHANGE: _____</p> <p>10 REASON: _____</p> <p>11 ____ CHANGE: _____</p> <p>12 REASON: _____</p> <p>13 ____ CHANGE: _____</p> <p>14 REASON: _____</p> <p>15 ____ CHANGE: _____</p> <p>16 REASON: _____</p> <p>17 ____ CHANGE: _____</p> <p>18 REASON: _____</p> <p>19 ____ CHANGE: _____</p> <p>20 REASON: _____</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 WITNESS' SIGNATURE DATE</p> <p>25</p>
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